

Notice of Allowability

Application No.

09/604,365

Examiner

Dwin M. Craig

Applicant(s)

CHRYSTHAKOPOULOS ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/2005.
2. ☒ The allowed claim(s) is/are 25, 26, 28 & 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

And

Examiner's Reasons for Allowance

1. Claims 25, 26, 28 and 29 are allowed.

EXAMINER'S REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

2.1 As regards independent claim 26 the following limitations, in combination with other limitations are neither anticipated nor made obvious by the prior art, *"responsive to said determining, prompting a user to manually load a device driver compatible with the operating system, if neither a device driver nor a pointer to a device driver compatible with the operating system running on the computer is stored in the non-volatile memory"* in combination with *"wherein the pointer includes a uniform resource locator (URL)."* Further, Applicants' persuasively argued on page(s) 4 & 5, more specifically, [*"Tellingly, at Col. 6, lines 16-20, Staats '152 describes that "[f]or 'true plug and play' operation, each device (or unit) of computer system 50 must be able to provide its own device driver so that an operating system can load and use that driver without the need for manual installation."* Col. 6 lines 17-20 (emphasis supplied). The drivers *"may be made available over the internet, referenced by a URL."* Staats '152, col. 6, lines 25-26. Given the discussion in Staats '152, one skilled in the art would have had no reason to allow for prompting a user to manually load a device driver compatible with the operating system if neither driver nor a pointer to a device driver compatible with the operating system running on the computer is stored in memory.] Applicants' then argued on page 5 that the

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combination cited by the Examiner is impermissible hindsight. The Examiner notes that the combination of Applicants' arguments presented in the 12/20/2005 responses and in the other responses presented during prosecution and the instant amendments to the claims has been, in combination, persuasive such that the combination of Applicants' claimed limitations are not obvious over the prior art.

2.2 As regards independent claim 29, this claim is allowable for at least the reasons cited for allowance in regards to independent claim 26.

2.3 Claims 25 and 28 are allowed for at least the reason that they depend upon an allowed base claim.

2.4 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul L. Rodriguez can be reached on (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC


Paul D. Rodriguez 3/3/06
Primary Examiner
Art Unit 2125